

REMARKS

IDS

Applicant notes that the Form 1449 that accompanied the IDS filed concurrently with the application was omitted.

For the Examiner's convenience, Applicant encloses a copy of the Form 1449. Applicant requests that an initialed copy of the Form 1449 be returned with the next communication from the Office.

Double Patenting Rejection

Applicant acknowledges the double-patenting rejection of claims 37-52 over claims pending in U.S. Application 10/283,976, which is the parent of the present application.

In response, Applicant encloses a terminal disclaimer to overcome the double-patenting rejection.

Drawings

In view of the enclosed formal drawings, Applicant requests withdrawal of the objection concerning informality of the drawings.

New claims

Applicant submits two new independent claims to correspond to claims 39 and 47, both of which have been deemed to recite allowable subject matter.

Objections to the claims

Applicant amends claims 37 and 45 to address a lack of antecedent basis. Applicant further amends claim 45 to correct a stray artifact that arose from use of a global search and replace.

Section 102 rejection

During prosecution of the parent of this application, the Examiner drew attention to *Ohran*, U.S. Patent No. 6,526,487, which is the same reference cited herein. The Examiner indicated that *Ohran* would anticipate claim 1 of the parent but suggested that claim 9 of the parent would be allowable.

Applicant proposed amending claim 1 to include a limitation similar to that of claim 9, but with the proviso that the terms "first module" and "second module" be used so as to avoid limiting the claims to the described embodiment. Applicant also proposed amending claim 9 to recite the further limitation in which the first and second modules were specific to those used in the MVS system.

The Examiner agreed that the proposed claim amendment would be allowable. Accordingly, the amendments were made and the parent has now been allowed.

Applicant notes that a similar issue arises in connection with dependent claims 40 and 48 in the present application. Applicant therefore amends claim 37 and 40 in a manner analogous to the amendment of claims 1 and 9 in the parent application. A similar amendment is made to claims 45 and 48. Applicant expects that these amendments will likewise place claims 37 and 45 in condition for allowance.

In addition, Applicant amends claims 41, 44, 49, and 52 to be consistent with the amendments made to their parent independent claims.

The amendments to claims 37 and 45 are not being made because Applicant agrees with the proposition that *Ohran* renders the claims unpatentable. Applicant amends the claims only for the sake of expediency, to obtain prompt allowance of this application.

Applicant : Douglas E. LeCrone et al.
Serial No. : 10/600,133
Filed : June 20, 2003
Page : 10 of 10


Attorney's Docket No.: 07072-157002 / EMC-02-
142CON1

Summary

Now pending in this application are claims 37-54, of which claims 37, 45, 53, and 54 are independent. Enclosed is a payment of the fee for the terminal disclaimer and for excess claims. No additional fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, referencing attorney docket "07072-157002."

Respectfully submitted,

Date: June 20, 2005


Faustino A. Lichauco
Reg. No. 41,942

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906
21108774.doc